

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 1, 2004

IN RE:

**PETITION FOR APPROVAL OF AMENDMENT TO
THE INTERCONNECTION AGREEMENT BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC. AND
AENEAS COMMUNICATIONS, INC.**

**DOCKET NO.
04-00296**

**ORDER APPROVING
NINTH AMENDMENT TO THE INTERCONNECTION AGREEMENT**

This matter came before Chairman Pat Miller, Director Deborah Taylor Tate and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 8, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the ninth amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Aeneas Communications, Inc.

The original interconnection agreement between these parties was filed on January 30, 2001, and was assigned Docket No. 01-00092. It was approved at a regularly scheduled Authority Conference on April 3, 2001. The first amendment was filed on July 19, 2001, under Docket No. 01-00634 and was approved at a regularly scheduled Authority Conference on September 25, 2001. The second amendment was filed on September 26, 2001, under Docket No. 01-00835 and was approved at a regularly scheduled Authority Conference on December 4, 2001. The third amendment was filed on November 22, 2002, under Docket No. 02-01247 and

was approved at a regularly scheduled Authority Conference on December 16, 2002. The fourth amendment was filed on April 10, 2003, under Docket No. 03-00271 and was approved at a regularly scheduled Authority Conference on June 2, 2003.¹ The fifth amendment was filed on May 14, 2003, under Docket No. 03-00335 and was approved at a regularly scheduled Authority Conference on July 7, 2003. The sixth amendment was filed on July 24, 2003, under Docket No. 03-00450 and was approved at a regularly scheduled Authority Conference on September 8, 2003. The seventh amendment was filed on September 3, 2003, under Docket No. 03-00495 and was approved at a regularly scheduled Authority Conference on October 21, 2003. The eighth amendment was filed on July 22, 2004, under Docket No. 04-00219 and was approved at a regularly scheduled Authority Conference on September 13, 2004. The ninth amendment, which is the subject of this docket, was filed on September 17, 2004.

Based upon a review of the amendment, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104 (2004).
- 2) The amendment is in the public interest as it provides consumers with alternative sources of telecommunications services within BellSouth Telecommunications, Inc.'s service area.
- 3) The amendment is not discriminatory to telecommunications service providers that are not parties thereto.

¹ See *In re Petition for Approval of Amendment to Interconnection Agreement Between BellSouth Telecommunications, Inc and Aeneas Communications, Inc*, Docket No 03-00271, *Amended Order Approving Fourth Amendment to Interconnection Agreement* (September 2, 2003)

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).² Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendment is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

5) No person or entity has sought to intervene in this docket.

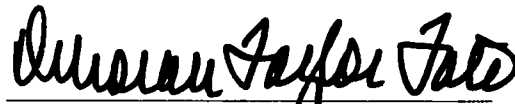
6) The amendment is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104 (2004).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the ninth amendment to the interconnection agreement negotiated between BellSouth Telecommunications, Inc. and Aeneas Communications, Inc. is approved and is subject to the review of the Authority as provided herein.



Pat Miller, Chairman



Deborah Taylor Tate, Director



Sara Kyle, Director

² See 47 U.S.C. § 252(e)(2)(B)